

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. _____

SUBJECT:

FOR: JUNE 2002 BOARD MEETING

TO BE PRESENTED BY: Caroline Garber

SUMMARY: This request seeks authorization to conduct public hearings on the proposed revisions to Chapter NR 445, Control of Hazardous Pollutants, and related chapters. The rule revisions are being proposed to ensure adequate public health protection by updating the rule to reflect current scientific knowledge. The proposed revisions are the first comprehensive update to NR 445 since its adoption in 1988. The revision proposes to add 153 hazardous air pollutants to NR 445, to remove 5 hazardous air pollutants from the current list, and to establish regulatory thresholds, emission standards, permit and emission inventory reporting requirements for the newly listed substances. The revisions propose to establish risk-based thresholds for carcinogens. Emission standards are revised for 116 of the 429 currently listed hazardous air pollutants. The rule revisions are also being proposed to improve the regulatory system. The revisions introduce alternative methods for demonstrating compliance and add measures to reduce, streamline and clarify regulatory requirements.

The development of the proposed rule revisions included an extensive stakeholder process spanning a 30 month period that included a 40 member Technical Advisory Group and numerous other presentations and meetings.

Components of the proposed rules that may be controversial include the proposed number of hazardous air pollutants, regulatory threshold levels particularly for carcinogens, regulation of certain internal combustion compressed engines and of respirable coal dust, and listing, though not regulating, silica and wood dust prior to completion of special studies.

The NRB adopted NR 445 in 1988 and approved revisions to NR 445 in 1991 to incorporate the results of special studies and in 1994 to add emission standards for hazardous air pollutants known to cause chronic, non-carcinogenic health effects.

RECOMMENDATION: The NRB authorize public hearings on the proposed rule revisions.

LIST OF ATTACHED MATERIALS:

No <input type="checkbox"/>	Fiscal Estimate Required	Yes <input checked="" type="checkbox"/>	Attached
No <input checked="" type="checkbox"/>	Environmental Assessment or Impact Statement Required	Yes <input type="checkbox"/>	Attached
No <input type="checkbox"/>	Background Memo	Yes <input checked="" type="checkbox"/>	Attached

APPROVED:

Bureau Director, Lloyd L. Eagan

Date

Administrator, Jay G. Hochmuth

Date

Secretary, Darrell Bazzell

Date

cc: Linda Jahns - AD/5
Carol Turner - LS/5
Caroline Garber - AM/7
Robert Park - AM/7

L. Eagan - AM/7

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background memo (if needed)*

Background Memo (if needed)*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

- * If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			
Management and Budget			
Legal Services -Program Attorney -Carol Turner			
Other (if applicable)			